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PATENT

Date of Deposit is March 1, 2002

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Atty. Docket No.
DX0936KB

CN 028008

By:

Lois E. Miller, date 3-1-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HOEK & SEDGWICK

Serial No.: to be assigned

Filed: March 1, 2002

For: NOVEL USES OF MAMMALIAN OX2
PROTEIN AND RELATED REAGENTS

Examiner: not assigned

Art Unit: not assigned

USE OF PRIOR OATH UNDER
37 CFR §1.63(d)

Palo Alto, California 94304

March 1, 2002

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

Sir:

USE OF PRIOR OATH UNDER 37 CFR §1.63(d)

The enclosed copy of the oath/declaration is for the attached application submitted herewith. Since the present application is a divisional application filed by all of the inventors from the originally filed application (USSN 09/547,432; filed April 12, 2000) a newly executed oath or declaration is not required as specified under 37 CFR §1.63(d) as long as a copy of the signed oath or declaration filed in the prior application is submitted. Accordingly, please use the enclosed copy oath/declaration for the current application.

Respectfully submitted,

Dated: March 1, 2002

By: Sheela Mohan-Peterson
Sheela Mohan-Peterson
Attorney for Applicants
Reg. No. 41,201

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DECLARATION AND POWER OF
ATTORNEY FOR PATENT APPLICATION

Attorney's Docket No. DX0936K

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"NOVEL USES OF MAMMALIAN OX2 PROTEIN AND RELATED REAGENTS"

the specification of which

☐ is attached hereto.

☒ was filed on April 12, 2000 as Application Serial No. 09/547,432

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

Yes or No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/129,124

(Application Number)

April 13, 1999

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status – patented, pending, abandoned)

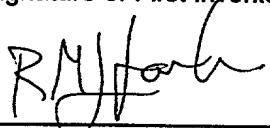
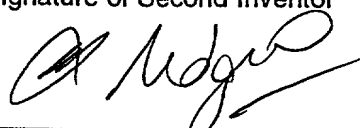
Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

| | | | |
|--------------------------|-----------------|----------------------|-----------------|
| Edwin P. Ching | Reg. No. 34,090 | Anita W. Magatti | Reg. No. 29,825 |
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|---|-----------------------------|
| Signature of First Inventor  | Signature of Second Inventor  | Signature of Third Inventor |
| Robert M. Hoek | Jonathan D. Sedgwick | |
| Date 7-19-00 | Date 8-28-00 | Date |